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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WRIGHT, BRYAN F

ART UNIT

PAPER NUMBER

2431

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,920	Applicant(s) POLZER ET AL.	
	Examiner BRYAN WRIGHT	Art Unit 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. Amendment filed October 20, 2008 has been entered.
2. Claims 1, 8, and 9 are amended. Claim 2 is cancelled. Claims 1-9 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
This application currently names joint inventors.

In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, and 3-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Hippelainen (US Patent Publication No. 2002/0078384).

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4. As to claim 1, Hippelainen teaches a method for enabling the monitoring of data associated with a telecommunication user, said data being comprising: transmitted over transmitting the data over a telecommunication network (e.g., UTMS), by transmission of copies (i.e., duplicator) of the data (i.e., packets) to at least one listening station (fig. 1); sending a copy of the data (i.e., intercepted packets) is sent by a switching device (i.e., 14, 21, fig. 4) to a monitoring handling device (i.e., control/15, fig.4) and is in turn is sent by the monitoring handling device to one of a number of addresses of the at least one listening stations (i.e., Hippelainen teaches target register [par. 75 - par. 77]); - and accessing a memory (i.e., register [par. 77]), using the monitoring handling device (i.e., control), containing including a list of keys (i.e., encryption means) for the at least one listening stations and transmitting data (i.e., packet) in encrypted form to a one of the at least one listening stations (i.e., every LIN) using the key (i.e., intercept authorization) for the at least one listening stations (par. 77),

Hippelainen does not expressly teach:

wherein only the monitoring handling device knows the addresses of the listening stations. However Hippelainen teaches a Border Gateway device equipped with a Lawful Interception Node [par. 52]. Hippelainen teachings of the Border Gateway is equivalent to applicant's claim element "monitoring handling device" and Hippelainen teachings of the LIN is equivalent to applicant's claim element "listening station". The teaching of the LIN being embodied in the Border Gateway would suggest the Border Gateway possessing the exclusive ability to know the locations (e.g., address) of each

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LIN. Therefore it would have been obvious to one of ordinary skill in the art that the Border Gateway exclusively maintains the LIN locations (i.e. address) thereby allowing for the enhancement of the data packet monitoring and interception.

5. Claim 2 (cancelled).

6. As to claim 3, Hippelainen teaches a method according where the telecommunication network is a public land mobile network (par. 51 - par. 52).

7. As to claim 4, Hippelainen teaches a method where the telecommunication network is a packet-switched network, in particular an IP protocol network [par. 81].

8. As to claim 5, Hippelainen teaches a method where the switching devices send the copies of the data (i.e., intercepted packets) to be intercepted to an interface switching device (i.e., 14, 21, fig. 4) which knows the address of the monitoring handling device, and in particular has stored said stores the address in a memory (i.e., Hippelainen teaches target register [par. 75 - par. 77]).

9. As to claim 6, Hippelainen teaches a method the at least one listening stations have different addresses (i.e., register) which are known to the monitoring handling device (i.e., control) (i.e., Hippelainen teaches target register [par. 75 - par. 77]).

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10. As to claim 7, Hippelainen teaches a method where the monitoring handling device is located in the same network as the listening stations [fig. 4].

11. As to claim 8, Hippelainen teaches a method a security tunnel (i.e., secure tunnel/par. 66, lines 6-8), in particular an IP sec tunnel [par. 81], is set up between the monitoring handling device and the interface switching devices or will be set up to monitor a call [fig. 4] (i.e., Hippelainen teaches IP compatibility [par. 81]).

12. As to claim 9, Hippelainen teaches a device, comprising: an interface to at least one switching device for receiving data (i.e., packet) to be intercepted (par. 60 - par. 61); having a memory (i.e., register) containing including a list of addresses (i.e., target connections) and keys (i.e., intercept authorization) of a plurality of listening stations (i.e., every LIN) (par. 77); having an interface (i.e., WAN) for transmitting data (i.e., packet) in encrypted form (i.e., encrypted communication [par. 66]) to be intercepted from a terminal (i.e., intercept subscriber), said the data (i.e., packet) having been received by a switching device (i.e., 14, 21, fig. 4) via the first interface (i.e., LIN to LIG), to an IP address (i.e. par. 81) of a one of the listening stations (i.e., LIN), said the address having been identified based (i.e., target connection [par. 70]) on an identity of the user and the list stored in a memory (i.e., register [par. 70]) in the device.

Hippelainen does not expressly teach:

wherein only the monitoring handling device knows the addresses of the listening stations. However Hippelainen teaches a Border Gateway device equipped with a Lawful Interception Node [par. 52]. Hippelainen teachings of the Border Gateway is equivalent to applicant's claim element "monitoring handling device" and Hippelainen teachings of the LIN is equivalent to applicant's claim element "listening station". The teaching of the LIN being embodied in the Border Gateway would suggest the Border Gateway possessing the exclusive ability to know the locations (e.g., address) of each LIN. Therefore it would have been obvious to one of ordinary skill in the art that the Border Gateway exclusively maintains the LIN locations (i.e. address) thereby allowing for the enhancement of the data packet monitoring and interception.

Response to Arguments

Applicant's arguments filed 10/20/2008 have been fully considered but they are not persuasive. Applicant argues, "In Hippelainen, there is not disclosure related to information about data encryption.

Examiner cites Hippelainen [par. 66] for which Hippelainen teaches encryption within data exchange. Also, with regards to applicant newly amended claim limitation, "wherein only the monitoring handling device knows the addresses of the listening stations", Hippelainen teaches a Border Gateway for which is equivalent to applicant's claim element "monitoring handling device" and Hippelainen teachings of the LIN is equivalent to applicant's claim element "listening station". Hippelainen teaches a Border Gateway device is equipped with a Lawful Interception Node [par. 52]. The teaching of

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the LIN being embodied in the Border Gateway would suggest the Border Gateway possessing the exclusive ability to know the locations (e.g., address) of each LIN.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/
Examiner, Art Unit 2431

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435